

## **FROM THE “Did You Know?” E-MAIL SERIES PROVIDED BY THE NOVA SCOTIA UNION OF PUBLIC & PRIVATE EMPLOYEES**

### **Right to Refuse Unsafe Work**

Wafting pesticides? Ceiling falling down? No safety equipment provided? If you have reasonable grounds to believe that your work or workplace is unhealthy or dangerous to you or anyone else, you may exercise your right to refuse work. This is a right given to workers under the Nova Scotia Occupational Health and Safety Act. But before you walk out on your employer because of the burnt out lightbulb (“It’s causing eye strain, really!”), here are some things you should know:

1. “Reasonable grounds to believe” means that you have an honest belief that your work or work environment will cause you or someone else harm.
2. You must immediately report your concern to a supervisor. Stay at work, but in a safe place away from the hazard, unless the entire workplace is affected (ie. bad air, high noise) or unless your employer has given you permission to leave.
3. If your supervisor doesn’t resolve your concern to your satisfaction, then you must then report your concern to your Joint Occupational Health and Safety Committee (JOHSC) or the OH&S Division of the provincial Labour Department, and an investigation will be carried out.
4. While an investigation is being carried out, your employer is allowed to re-assign you to other work.
5. As long as your work refusal is based on a “reasonable belief”, your regular pay and benefits will continue during the work refusal. If a dispute arises over whether your belief was “reasonable”, then you can file a complaint with the Labour Department. As well, your union may file a grievance.
6. You can continue to exercise your right to refuse unsafe work until:
  1. Your employer has taken remedial action to your satisfaction; or
  2. The JOHSC has investigated the matter and unanimously (yes, that’s every member involved in the investigation) advised you to return to work; or
  3. An OH&S officer from the Labour Department has investigated and advised you to return to work.

All the information above comes from Nova Scotia law, and is the minimum standard of protection for you if you have unsafe work conditions. Your collective agreement may provide you with additional rights. If you think your work or workplace is unsafe, call a union representative.

NOTE: The “Did You Know?” series is general information only. For advice specific to your workplace or personal circumstances, please contact a union representative. Comments are welcome at [nsupe@ns.sympatico.ca](mailto:nsupe@ns.sympatico.ca)